

What is an Opinion of the Attorney General?

The Maryland Constitution directs that the Attorney General is to give an "opinion in writing whenever required by the General Assembly ... the Governor, the Comptroller, the Treasurer or any State's Attorney on any legal matter or subject." Article V, §3. An Opinion of the Attorney General represents the considered views of the Attorney General on a significant legal question, generally involving Maryland law or other law that governs the actions of public officials in Maryland.

An Opinion of the Attorney General is usually drafted by an Assistant Attorney General and undergoes an extensive process of editing and review by other lawyers in this office who are knowledgeable about the subject matter before it is reviewed and adopted by the Attorney General.

A formal Opinion of the Attorney General should be distinguished from a letter of legal advice written by an attorney in this office. Because the Office of the Attorney General is the legal adviser to most State agencies, its lawyers write many letters and memoranda each day to State officials analyzing legal issues. Only a letter that has undergone the review process described above and has been adopted by the Attorney General is an Opinion of the Attorney General.

Formal Opinions are labeled as such and consecutively numbered. After an Opinion is issued, it is sent to the official who requested it and is posted on this web site. Opinions are ultimately compiled for each year in hardbound volumes that may be found in local law libraries. Copies of Opinions can also be obtained through legal research subscription services such as Westlaw and Lexis.

Can a local government official request an Opinion of the Attorney General?

The Attorney General has undertaken a program of assistance to local governments to help resolve legal matters involving substantial issues of State law. To ensure that we can provide such assistance within the resources of this Office, we have adopted certain guidelines. Under those guidelines, a request by a local government for an Opinion of the Attorney General must be made by the chief executive of the local government or by the presiding officer of the local legislative body on behalf of the entire body. The request must involve substantial questions of State law with ramifications beyond the specific local facts giving rise to the request. Finally, the request must be accompanied by the opinion and legal analysis of the legal adviser to the local government.

Source:

Maryland Attorney General website
Frequently Asked Questions about Opinions of the Attorney General
<http://www.oag.state.md.us/Opinions/faq.htm>